

OLC 73-1453

6 December 1973

MEMORANDUM FOR THE RECORD

SUBJECT: Conversation with James Woolsey, General Counsel,
Senate Armed Services Committee

1. I called Jim Woolsey today to take up several matters with him prior to his departure from the Committee staff next week. I mentioned our current considerations regarding the possibility of inserting into the Stennis and/or Nedzi legislative amendments on the National Security Act language which would provide criminal penalties for disclosures of information concerning intelligence sources and methods by persons having an official relationship with respect to such information. I told him we were particularly interested in his judgment as to whether the Armed Services Committees could successfully retain jurisdiction over such legislation or if it was susceptible to an argument on the part of the Judiciary Committee that such legislation was more properly within their purview.

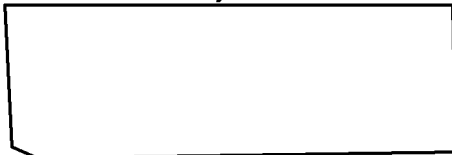
2. Mr. Woolsey said his first reaction was that no legislation on this subject will be successful until such time as the Congress squarely faces the issue of what is and what is not classified information. He said it was his "political judgment" that until this is accomplished legislation which we contemplate has no chance of passage. He said further he thought that Congress should establish a set of criteria for the types of information to be covered in the classified category for the benefit of the courts in their handling of cases of alleged violations. In this connection, Mr. Woolsey thought intelligence sources and methods, just as COMINT information, should be included in those categories. In sum, he feels that the question of committee jurisdiction and the objection of a significant number of liberal minded Senators to such legislation would preclude any effort to have it included in the amendments of the National Security Act.

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3. I also talked with Mr. Woolsey about our current discussions with respect to recent amendments to the Federal Property and Public Building Acts which would establish standard level user charges to be paid to the GSA and also would (unless the Agency can obtain an exemption) place future building construction, alterations, etc., under the jurisdiction of GSA and the Public Works Committees. Mr. Woolsey said he thought the strongest argument we could use against our inclusion in this program was the argument of security--that is that the Agency could not submit to the normal legislative requirements and procedures because of the peculiar security limitations which we must impose. He also said there was no question but what Agency funds were carefully guarded by our Subcommittees. (He added, however, we should not assert this argument too strongly without prior discussion with our Subcommittee chairmen.)

4. Mr. Woolsey feels we should pursue the issue with the OMB and GSA. If we are unsuccessful and if we feel it necessary to push it further he suggests we prepare a memorandum for Chairman Stennis on the points involved, with the thought that Mr. Stennis might take the question up with Senator Jennings Randolph, Chairman of the Senate Public Works Committee. He also suggested that we try to involve Jim Hyde, OMB, in these discussions and encourage Mr. Hyde to communicate with Mr. Ed Braswell, of the Committee staff, who is a good friend of Mr. Hyde's.

5. I asked Mr. Woolsey about his future plans and he said he will be leaving the Committee staff next week to join the firm of Shea and Gardner a Washington law firm that is concerned mainly with practice before the Federal courts in a diversity of fields including anti-trust, corporations, and other areas. He said the firm also represents the National Education Association. Mr. Woolsey's replacement will be Clark McFadden, a young (age 27 or 28) member of the Defense Department's Comptroller Staff who has a joint degree from Harvard Law School and Business Administration School and whom Mr. Woolsey described as a very intelligent and upstanding young man. Mr. Woolsey said if he could be of any assistance to the Agency in his new position, for us not to hesitate to call on him. I told him we had hoped he would make such an offer and certainly would not be reluctant to contact him.



Deputy Legislative Counsel

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